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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,443	06/21/2001	Uwe Hardtke	225/50037	2731

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EXAMINER

EDMONDSON, LYNNE RENEE

ART UNIT

PAPER NUMBER

1725

DATE MAILED: 03/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/885,443	HARDTKE, UWE	
<b>Examiner</b>	<b>Art Unit</b>		
Lynne Edmondson	1725		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 January 2004.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 5 is/are allowed.
- 6) Claim(s) 1, 3, 6, 9-12 is/are rejected.
- 7) Claim(s) 2,4,7 and 8 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 6/7/02 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |                                                                                              |                                                                             |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in–
  - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
  - (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1, 3, 9 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Buldhaupt et al. (USPN 6419146 B1).

Buldhaupt teaches a method of producing a reinforced hollow section with a continuous periphery (envelope or pack 110) wherein an opening is formed and a reinforcing plate (insert) is inserted into the opening such that it projects into the opening (col 9 line 51 – col 10 line 21, figures 5 and 10-11E). The reinforcing plate comprises a flanged portion (126) which is bent and partially overlaps the edge of the opening. The edges are flush with the interior wall of the hollow body forming a U-shaped section and bonded or welded (figure 11E and col 2 lines 54-67). Welding may be performed in a variety of ways including seam welding and beam welding (col 7 lines 54-67 and col 10 lines 40-48). The inserts serve as reinforcements to allow attachments without crushing the structure (col 13 lines 10-27).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schulze (USPN 6134767).

Schulze teaches a method of producing a reinforced, hydroformed hollow section with a continuous periphery (col 3 line 65 – col 4 line 23 and col 5 lines 1-67) wherein openings are formed by piercing (col 4 lines 13-22 and col 6 lines 1-8) and reinforcing members (14,34,50) are inserted into the opening such they project into the opening. The reinforcing members may be any shape including plates (flanges, col 4 line 64 – col 8 line 20 comprises a flanged portion (27) which is bent and partially overlaps the edge of the opening. The edges are flush with the interior wall of the hollow body forming a U-shaped section and welded (figures 9-11, col 8 lines 32-67 and col 9 lines 12-29). Welding may be performed in a variety of ways including beam welding and projection welding (col 2 lines 52-61). Beads are employed and forced into the plate (col 7 lines 45-63). However there is no disclosure of a continuous closed periphery.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the process is the same for an open or closed structure as the interior is hollow in both cases. Although the insert is taught as plug rather than a plate it serves

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the same function which is to increase loading capacity and thereby reinforce the structure in a simple and cost-effective manner (Schulze, col 7 line 64 – col 8 line 20).

***Response to Arguments***

4. Regarding applicant's argument that figure 16 does not show a hollow section, see figures 5 and 10-11E, which show hollow core packs. As taught in col 9 line 51 – col 10 line 6, a hole is cut into the core pack with a reinforcing slug inserted into the hole.

5. Therefore the 102 rejection of claims 1, 3, 9 and 10 as anticipated by Buldhaupt stands.

6. Regarding applicant's argument that the elements of Schulze are not for reinforcement and are not plates, it is noted that the elements can take any shape such as a flange. Although the term reinforcing is not used, these members are placed to facilitate attachment of other structures and thereby serve the same purpose as a reinforcement plate. See figures 9-11.

7. Therefore the 103 rejection of claims 1, 3, 11 and 12 as obvious over Shulze stands.

***Allowable Subject Matter***

8. Claim 5 is allowed.
9. The following is an examiner's statement of reasons for allowance: Schulze (USPN 6134767) teaches the invention essentially as claimed but does not teach the electrode and punch in the same tool. Projection welding methods conventionally teach a separate punching tool and electrode. See VanOtteren et al. (USPN 6281466 B1) and Watanabe (USPN 5872348).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

10. Claims 2, 4, 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
11. The following is a statement of reasons for the indication of allowable subject matter: The prior art teaches the invention essentially as claimed but does not teach joining the insert by plug welding or projection welding. Projection and plug welding methods are not conventionally used on hollow members. See VanOtteren et al. (USPN 6281466 B1) and Watanabe (USPN 5872348). Neither is a stamped bead taught. See Wycech (USPN 4769391). Buldhaupt (USPN 6419146 B1) teaches hole

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forming through the insert on opposite sides but does not teach opposed holes through which inserts are placed.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gommier et al. (USPN 4708898, method with adhesive), Devine, II (USPN 6547645 B2, method) and Barnes (USPN 3646981).

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynne Edmondson whose telephone number is (571) 272-1172. The examiner can normally be reached on Monday through Thursday from 6:30 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lynne Edmondson  
Primary Examiner  
Art Unit 1725



2/26/04

LRE